

PATENT COOPERATION TREATY
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INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

REC'D 28 JUL 2004

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Applicant's or agent's file reference AP36	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. PCT/AU2003/000161	International Filing Date (day/month/year) 12 February 2003	Priority Date (day/month/year) 16 April 2002
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ G02B 23/00, B41J 3/44		
Applicant SILVERBROOK RESEARCH PTY LTD et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 4 October 2003	Date of completion of the report 19 July 2004
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA -mail address: pct@ipaustalia.gov.au -facsimile No. (02) 6285 3929	Authorized Officer RAJEEV DESHMUKH Telephone No. (02) 6283 2145

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I. Basis of the report**1. With regard to the elements of the international application:***

- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the claims, pages , as originally filed,
pages , as amended (together with any statement) under Article 19,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

- ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-10	YES
	Claims	NO
Inventive step (IS)	Claims	YES
	Claims 1-10	NO
Industrial applicability (IA)	Claims 1-10	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

INVENTIVE STEP (IS) claims 1-10

D1: US 6357135 B1 (SILVERBROOK) 19 March 2002

Claim 1: D1 discloses a binocular having a built-in printer for printing a graphic image corresponding to an optical image received optically by the binocular. This differs from the present claim merely in that a printer is integral with a binocular while the present claim requires a printer to be integral with a telescope. However, both binoculars and telescopes are well known devices which possess the same functional features of providing for telescopic magnification of a scene so as to enhance the user's visual capabilities. In other words, a binocular is effectively a telescope, or a form of a telescope. In any case, D1 clearly states that *the present invention relates to the utilization of binoculars or telescope devices wherein the device includes an integral printer which is able to print images on demand* (see column 1 lines 59-62). D1, at column 1 lines 65 to column 2 line 3, further describes the common visual enhancement features of devices such as binoculars, telescopes and night glasses. This has clearly directed a person skilled in the art to apply the teaching of this document (which takes the example of a binocular device) on similar devices including at least telescopes and night glasses. Therefore, the present claim is considered to lack an inventive step (at least) in the light of D1.

Claim 2: D1, including a CCD sensor 14 and a central processor (see column 3 lines 36-44), has disclosed the additional features defined in the present claim.

Claim 3: a micro-control circuit appears to be used in the device of D1, and printers incorporating severing function is also known.

Claims 4-5: see the disclosure of D1 at column 3 line 36 and lines 65-67.

Claims 6-8, 10: the printer features defined in the present claims are disclosed in D1. See for example, column 3 lines 44-50, and Fig. 1.

Claim 9: the attachment details of the printer with the main body of the device such that the graphic image is dispensed in a desired way are mere workshop variations.